

**REMARKS**

This Amendment, submitted in reply to the Office Action dated February 8, 2005, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Applicant editorially amends claims 1-8. The amendments to the claims were made for reasons of precision of language and consistency with common U.S. practice and were not made for reasons of patentability, as evidenced by the comments presented below. No new matter has been added.

Claims 1-10 are now all the claims pending in the application.

**I. Preliminary Matters**

First, Applicant requests that the Examiner acknowledge receipt of the priority documents filed June 25, 2001.

Second, Applicant requests that the Examiner approve the drawings filed June 25, 2001.

Third, Applicant requests that the Examiner initial the Form PTO-1449 filed on June 25, 2001.

**II. Claim Objections**

The Examiner objected to claims 3, 4 and 6 for containing informalities. Claims 3, 4 and 6 have been amended as indicated above. Consequently, Applicant respectfully requests that the objection to claims 3, 4 and 6 be withdrawn.

**III. Claim Rejections under 35 U.S.C. § 112**

Claim 5 has been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 5 has been amended as indicated above. Consequently, Applicant respectfully requests that the rejection of claim 5 under § 112, second paragraph be withdrawn.

**IV. Claim Rejections under 35 U.S.C. § 103**

Claims 1-8 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Vilander et al. (U.S. 2004/0010609) in view of Hagirahim (U.S. Patent No. 6,449,284).

The Examiner cites Vilander for teaching an IP-based Radio Access Network comprising a plurality of base stations, at least one base station controller, all communicating with each other using a TCP/IP or USP/IP-based protocol stack. The Examiner concedes that Vilander does not disclose two different types of radio channels being determined by the port number, and cites Hagirahim to cure the deficiency.

Assuming *arguendo*, that the combination of Vilander and Hagirahim teaches the claimed elements, the combination of Vilander and Hagirahim is not obvious. In particular, Hagirahim is directed to an asynchronous transfer mode (ATM) environment. As discussed on page 4 of the specification for the present invention, ATM-based radio access networks use a signaling plane to convey radio part specific parameters. See also, Hagirahim, col. 3, lines 1-2; 20, indicating that a signaling protocol is used.

However, contrary to ATM, which is basically connection oriented, IP is basically connectionless and does not provide any signaling plane. As a result, each additional communication parameter has to be conveyed by adding a field in the payload of IP packets exchanged in the IP-based Radio Access Network. This would add overhead, slow the transmission, and result in processing delays.

Moreover, Vilander teaches away from the use of an ATM protocol. An object of Vilander is to utilize Internet Protocol in lieu of ATM protocol in the user plane protocol stacks for various interfaces. See Vilander, page 2, para. [0015]. Therefore, it would be contrary to Vilander to incorporate the ATM protocols of Hagirahim.

Therefore, it would **not** be obvious to combine the teachings of Hagirahim which teaches the use of a signaling plane of an ATM protocol, with that of the IP-based network of Vilander.

For at least the above reasons, claim 1 and its dependent claims should be deemed allowable. Since claims 6 and 8 recite similar elements, claims 6 and 8 and their dependent claims should also be deemed allowable.

#### **V. New Claims**

Applicant has added claims 9 and 10 to provide a more varied scope of protection. Claims 9 and 10 should be deemed allowable by virtue of their dependency to claim 1 for the reasons set forth above.

#### **VI. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

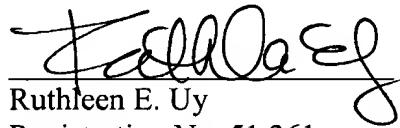
AMENDMENT UNDER 37 C.F.R. § 1.111  
Appln. No.: 09/887,154

Attorney Docket No.: Q64820

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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